



Lewes District Council

To all Members of the Employment Committee

A meeting of the **Employment Committee** will be held in the **Ditchling Room, Southover House, Southover Road, Lewes** on **Monday, 12 September 2016 at 10:00** which you are requested to attend.

Please note the venue for this meeting which is wheelchair accessible and has an induction loop to help people who are hearing impaired.

This meeting may be filmed, recorded or broadcast by any person or organisation. Anyone wishing to film or record must notify the Chair prior to the start of the meeting. Members of the public attending the meeting are deemed to have consented to be filmed or recorded, as liability for this is not within the Council's control.

31/08/2016

Catherine Knight
Assistant Director of Legal and Democratic Services

Agenda

- 1 Minutes**
To approve the Minutes of the Meeting of the Employment Committee held on 13 June 2016 (copy previously circulated)
- 2 Apologies for Absence/Declaration of Substitute Members**
- 3 Declarations of Interest**
Disclosure by councillors of personal interests in matters on the agenda, the nature of any interest and whether the councillor regards the interest as prejudicial under the terms of the Code of Conduct
- 4 Urgent Items**
Items not on the agenda which the Chair of the meeting is of the opinion should be considered as a matter of urgency by reason of special circumstances as defined in Section 100B(4)(b) of the Local Government Act 1972
- 5 Written Questions**
To deal with written questions from councillors pursuant to Council Procedure Rule 11.3 (page D8 of the Constitution)

- 6 Committee Training Requirements (page 3)**
To consider the Report of the Assistant Director of Legal and Democratic Services (Report No 110/16 herewith)
- 7 Attendance Management Policy & Procedure Report (page 5)**
To consider the Report of the HR Manager, Shared Service (Report No 111/16 herewith)
- 8 Sickness Report (page 44)**
To receive the Report of the HR Manager, Shared Service (Report No 112/16 herewith)
- 9 Accidents to staff from April 2016 to July 2016 (page 52)**
To receive the Report of the Health and Safety Officer (Report No 113/16)

Exclusion of the Public and Press

To consider, under Section 100(A)(4) of the Local Government Act 1972 (as amended), excluding the public and press from the meeting during the discussion of Items 10 and 11 on this Agenda, as there are likely to be disclosures of exempt information as defined in paragraphs 1, 2 and 4 of Part 1 of Schedule 12A of the Act.

- 10 Consideration of Matters Raised by the Employees' Side**
To consider any matters raised by the Employees' Side in respect of the items on this Agenda
- 11 Consideration of Health and Safety Matters Raised by the Employees' Side**
To consider any matters raised by the Employees' Side in respect of Health and Safety
- 12 Date of Next Meeting**
To note that the next meeting of the Employment Committee is scheduled to be held on Monday, 19 December 2016 in the Telscombe Room, Southover House, Southover Road, Lewes commencing at 10.00am

For further information about items appearing on this Agenda, please contact Jen Norman at Southover House, Southover Road, Lewes, East Sussex BN7 1AB. Telephone 01273 471600

Distribution:

Councillors: J Peterson (Chair), M Chartier, P Franklin, S Gauntlett and E Merry

Employees' Side: Mr M Connolly, Mrs S Harvey, Mrs L Plant and Mr G Purdye

Agenda Item No: 6 **Report No:** 110/16
Report Title: Committee Training Requirements
Report To: Employment Committee **Date:** 12 September 2016
Report By: Catherine Knight, Assistant Director of Legal and Democratic Services
Contact Officer(s)-
Name(s): Jackie Gavigan
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Purpose of Report:

To enable the Committee to identify any training needs for the coming year.

Officers Recommendation(s):

- 1 To identify any training requirements that the Committee feels need to be addressed so that it can carry out its functions over the coming municipal year.
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Reasons for Recommendations

- 1 To enable councillors to be properly trained to carry out the functions of the Committee.

Information

- 2 The results of the recent training needs analysis exercise that was carried out indicated that councillors would like committee specific training to assist them in their role as members of Committees.
- 3 As part of the ongoing training support for councillors, each year all the formal Committees of the Council are being asked to consider their known work programme and to identify any training requirements that would assist them during that programme.
- 4 This is an opportunity to identify any general training requirements for the Committee as a whole or what may be useful for any new Committee members.
- 5 Examples of previous in-house training sessions that Employment Committee members have received and found beneficial are:
 - Role and remit of the Employment Committee
 - Equalities
 - Chairing the Employment Committee.

Financial Appraisal

- 6** It is anticipated that any training needs identified will be provided in house or met using the councillors' training budget. In the event that overall demand from all Committees etc. exceeds the capacity of that budget, CMT and Cabinet will be asked to address the issue, by either agreeing more resources if appropriate or by prioritising the requests.

Legal Implications

- 7** None over and above those set out in the body of this Report.

Risk Management Implications

- 8** There are no risk management implications arising as a result of this Report. If the recommendations are not implemented, the main risk will be that the Council's Committees are unable to carry out their functions fully due to a lack of sufficiently trained members.

Equality Screening

- 9** This is a routine, procedural Report with no potential for negative impacts. Therefore, an Equality Analysis is not required.

Background Papers

- 10** None

Appendices

- 11** None

Agenda Item No: 7 **Report No:** 111/16
Report Title: Attendance Management Policy & Procedure Report
Report To: Employment Committee **Date:** 12 September 2016
Cabinet Member:
Ward(s) Affected: All
Report By: Helen Knight, HR Manager – Shared Service
Contact Officer(s)- Helen Knight
Name(s):
Post Title(s): HR Manager, Shared Service
E-mail(s): Helen.knight@lewes.gov.uk
Tel No(s): 01273 661365

Purpose of Report:

- 1 To seek Employment Committee (LDC) and Cabinet (EBC) approval to implement a revised policy regarding attendance management.

Officers Recommendation(s):

- 2 To agree the implementation of this policy within the organisation.

Reasons for Recommendations

- 3 Lewes District and Eastbourne Borough Councils are committed to regularly reviewing HR policies to ensure they comply with current legislation, are based on ACAS best practice and are clear and concise for consistent application throughout the organisation.
- 3.1 Human Resources (HR) has been a Shared Service across both councils since 1 April 2015 and as part of the 'Stronger Together' Joint Transformation Programme we will be looking to align all HR policies across Lewes District and Eastbourne Borough in the coming years.

Information

- 4 Absence levels have been consistently high at Lewes District Council averaging at least 12 days per FTE per year over the last 5/6 years. This figure when benchmarked against other Local Authorities including those with their own in house Waste Services is considerably high. The Council has a target, which has not yet been achieved, of 9.5 days per FTE per year.
- 4.1 The management of sickness absence has and continues to be a priority within the organisation with close scrutiny and management by line managers and HR

to ensure absences are being dealt with fairly and consistently and that staff receive all appropriate support.

- 4.2** The revised policy will provide clarity for both staff and managers alike across both organisations regarding the expectations for all when a member of staff is absent from the workplace, the procedure that will be followed, and the support that is available.
- 4.3** In conjunction with the launch of this policy we will also be introducing a new Wellbeing offering across both Lewes and Eastbourne. This will enable us to coordinate and publicise the variety of different wellbeing options available for staff and to take a more holistic approach which should include being:
- proactive rather than reactive to the health and wellbeing of staff
 - focused on prevention of injuries and illness
 - effective in the management of staff returning to work following a period of absence
 - committed to creating a health and well-being culture that staff are fully engaged with
- 4.4** HR have organised training sessions across Eastbourne and Lewes which will be mandatory for all managers to attend regarding this new policy. We are conscious that Attendance Management can also touch on mental health conditions in some circumstances and in consideration of that we have also arranged for the mental health charity MIND to provide training for our managers on this subject. Although these sessions will be optional we have recommended that all managers attend and the aim of this course will be to refresh their knowledge of the major diagnoses within mental health and highlight signs and symptoms of work-related stress. They will be guided through the appropriate way in which staff suffering with poor mental health should be supported and managed.
- 4.5** HR continue to support managers with their close management of absence and will also continue to feedback to Employment Committee quarterly on sickness absence levels.
- 4.6** Members of both Lewes and Eastbourne Unison branches have provided helpful and constructive input to this revised policy which will also be supported by other policies (as named within) as well as written guidance for managers and training.

Financial Appraisal

- 5** There are no financial implications related to the implementation of this revised policy, although clearly there are financial implications associated with the high level of sickness absence currently experienced in Lewes District Council.

6 Legal Implications

- 6.1** The Legal Services Department have not been asked for comments.

7 Sustainability implications

I have not completed the Sustainability Implications Questionnaire as this Report is exempt from the requirement because it is a progress report/budget monitoring report/development control report

8 Equality Screening

- 8.1** An Equality and Fairness Analysis has been completed and is attached as a Background Paper to this report.

9 Background Papers

Eastbourne Borough and Lewes District Attendance Management Policy

Equality and Fairness Analysis of Attendance Management Policy

Attendance Management Policy

1 Introduction:

1.1 Our main objective is to maintain appropriate standards of attendance at work through the fair and effective management of absence due to illness. Our employees are our most valuable resource and the aim of the attendance management policy is to support the highest possible attendance levels to enable us to provide excellent service delivery to our customers. It is also important to manage absence levels because of the impact absence can have on colleagues at work. This policy underpins the Councils' commitment to reduce levels of sickness absence wherever possible.

1.2 The procedures within the policy:

- Provide a framework within which Eastbourne Borough Council and Lewes District Council ('the Councils') can achieve high levels of attendance
- Help to ensure the Councils meet our statutory obligations, promote the health and welfare of our staff and provide appropriate support to employees suffering the effects of ill health
- Provide a fair and consistent procedure for dealing with sickness absence and resolving situations that may arise
- Set out how pay and other benefits will be affected by sickness absence

2 Support, advice and guidance:

2.1 All employees have access to the occupational health service through management referral; employees can refer themselves to the Employee Assistance Programme which includes the counselling offer. Staff are encouraged to share work related health concerns either with their manager or HR Business Partner to enable appropriate support to be provided.

2.2 In order to support this policy, the following services are available to managers and employees:

- Occupational Health services: to provide advice and guidance on the impact of ill health on work and what steps the Council and/or the employee may take;
- Employee Assistance Programme: a confidential service to employees providing support, information, advice and counselling;

- Human Resources: to provide support and guidance to managers in dealing with attendance and ill health and in the use of the Council's related policies and procedures;
- Specialist Advisor for Health and Safety/Health and Safety Officer: to provide advice on risk assessment and related policies and procedures

3 Equality and Diversity:

- 3.1 The Councils are committed to good practice in equality and diversity, and to meeting our statutory equality responsibilities, both as an employer and in the provision of services. In respect of absence management, this means ensuring that staff with a protected characteristic which is covered by the Equality Act are not discriminated against or treated either more or less favourably.

4 Disability

- 4.1 Regard will be given to the disability provisions of the Equality Act, which require employers to provide reasonable assistance, resources and support to employees with a long-term physical or mental impairment. If the manager does not know if the employee's condition would constitute a disability, then he or she would work on the basis that it is and make all such reasonable adjustments to enable the employee to return to work.
- 4.2 Under the Equality Act 2010, employees must not be unlawfully discriminated against in relation to their disability. Managers must consider and implement reasonable adjustments where practicable and at the same time manage disability related absence like any other absence – fairly, transparently and with reference to the Council Policy.
- 4.3 If at any stage the Council's Medical Advisor confirms that the employee has a disability that affects their ability to undertake normal day-to day activities then the Council will seek to gain medical or specialist advice on the reasonable adjustments that could be implemented that would assist the employee's ability to undertake their post.
- 4.4 Reasonable adjustments that may be considered include for example:
- Changes to workload, work practices or work pattern either as part of phasing the employee back to work or on a more permanent basis
 - Reduced hours
 - Phased return to work
 - A period of home working if appropriate
 - Redeployment to another role or service area

- An adjustment to the levels of absence at which the stages of this procedure are applied

4.5 Where a staff member requires reasonable adjustments to attend and participate in meetings regarding attendance, they may be accompanied by an appropriate person to provide support, in addition to their right to be accompanied by a colleague or trade union official. The manager responsible will ensure all reasonable adjustments and special arrangements are made. This includes ensuring information is in an accessible format, that meeting venues are accessible to all parties and that any reasonable adjustments are made to enable fair and complete participation by all parties. Staff members are invited to advise their line manager and subsequent managers of their needs and requirements to ensure they are fulfilled throughout the process wherever possible.

4.6 The decision about whether an adjustment is reasonable is a managerial one, not a medical one. The manager will need to strike a balance between what they can reasonably do to support an employee (including those with disabilities) and the requirement to maintain an operationally effective service.

5 Maternity related sickness Absence

5.1 Staff must not be discriminated against as a result of maternity related sickness absence. Maternity related sickness absence during protected periods must not be taken into account as grounds for subsequent dismissal. The protected period is from notification of inception of pregnancy to the end of the woman's maternity leave. There is also legal protection from detriment or dismissal in connection with pregnancy. Managers should always seek advice from HR and occupational health where appropriate.

6 Roles and Responsibilities of the Council, Employees and Managers:

6.1 The Councils:

- Will provide a safe and healthy working environment and a supportive and consistent approach to managing sickness in a lawful, fair, compassionate and non-discriminatory way in accordance with the Equality Act 2010.
- When there is absence we will aim to secure the earliest possible return to work of individuals fit for duty. In cases where this is not possible we aim to gain a full understanding of the nature and extent of the illness/condition and provide appropriate support. Our Occupational Health Service provides advice and guidance on the impact of ill health on work and what steps the Councils and/or the employee may take. The Councils reserve the right to refer an individual for medical examination by a qualified advisor at any time.

- Like all employers, the Councils have limited resources and an obligation to consider the effects of the absence on the organisation. The organisation cannot undertake to support indefinitely those who need prolonged periods of time off. Frequent or long term absence may, following the application of this policy and procedure, lead to dismissal.

6.2 Employees:

Individual staff members have personal responsibility to take all reasonable measures to ensure their fitness for work. All known health conditions should be declared to Occupational Health during the pre-employment health process and to Managers and/or HR during the course of an individual's employment with the Council. This information will be treated in the strictest confidence and will be used for no other purpose than to ensure that the member of staff is appropriately supported at work depending on their individual circumstances. Whilst we understand that, in certain circumstances, an employee may feel unwilling to tell their manager or anyone else in the organisation the nature of their illness this may limit the level of support that the organisation can offer, if they have no information upon which to act.

If absences are work related, e.g. as result of an accident at work or due to a situation that has arisen at work, employees have a responsibility to be proactive in raising concerns as part of the normal staff/manager relationship. If individuals have a medical condition which may affect their work (which may or may not be apparent or known to others) they should discuss any reasonable adjustments needed with their line manager.

As a Council employee you agree to:

- Come to work and maintain a high level of attendance
- Follow all Health and Safety rules and guidance
- Comply with the procedure for reporting absence
- Provide information on the reason for absence when asked
- Provide information on any long term health conditions that may be relevant to your employment either when employed or that arise during the course of your employment
- Provide any documents in a timely manner when asked, such as a fit note from your Doctor
- Use your best efforts to ensure a speedy return to work e.g. follow doctors' advice, take medication as required/prescribed etc.
- Not undertake any other paid or unpaid employment while off sick that could have a detrimental affect on your ability to carry out the job for which the Council employs you unless the Council has agreed following advice from its Medical Advisor

- Attend all meetings regarding absences or appointments with the Council's Medical Advisor when required. If staff decline to attend an appointment with an Occupational Health Advisor it may be necessary to make a decision which could affect their employment on the basis of the information available and without the benefit of a professional report.

6.3 Managers:

Are responsible for:

- Monitoring and managing absences within their team, using the Attendance Management Policy and treating information concerning employee's health in confidence.
- Ensuring that all new staff are informed of and read the Attendance Management Policy during their Induction/Probationary Period
- Promoting high levels of attendance in their teams. They also have a duty of care and a responsibility for good working practices, work behaviours and ensuring that Health and Safety rules and guidance are followed.
- Where appropriate and with advice from HR, maintaining regular contact with staff who are absent from work and to work constructively with staff who need to improve their attendance. They are also responsible for providing fair and consistent management support to those staff who are unwell.
- Reacting appropriately to signs of distress in your staff and finding an appropriate time and place to talk to them sensitively and in complete confidence about any problems they may be having either inside or outside of work. As a manager you may notice changes in any member of your team's behaviour, such as a drop in performance, unusual tiredness, behaviour that is out of character and/or increased sickness absence.
- Advising staff when their absence is causing concerns and managing employee attendance problems.
- Maintaining sickness absence records, treating these confidentially and storing securely (if they are held electronically they should be password protected).
- Seeking guidance and support from their HR Business Partner at an early stage
- Engaging early and often with employees who have health conditions as they will often be able to propose and consider solutions that are operationally acceptable and effective. Such action might prevent capability/absence issues arising in the first place.

7 The procedure to follow

- 7.1 The managers within the Council treat absence as a priority and should a member of their team telephone them to report they are unwell it will be taken seriously, they will discuss with them the reason for their absence and whether there are any commitments for that day which need to be reallocated. The reason for this discussion is that we value our employees, we want them to know that their work is important and that line managers are concerned about their health

If you are too unwell to work, you should telephone your Team Leader/Manager (not a colleague) within half an hour of your normal starting time and explain when you first became unwell, the nature of your illness, if you will be seeking medical advice and the likely date of return if known. Waste Services staff have a dedicated telephone number which should be used to report sickness.

- 7.2 If you are too unwell to attend work but are able to work flexibly (i.e. from home) then this can also be discussed and agreed with your manager. Depending on the reason for the absence, Waste Services staff may be able to attend work and carry out other suitable duties.
- 7.3 You must try to speak personally to your manager, rather than sending a text message, an e-mail or speaking to a work colleague. It will not normally be appropriate for a friend or relative to make this call. However, if exceptional circumstances prevent you from telephoning personally, then a friend or relative may do so on your behalf and you should make direct contact with your manager at the earliest opportunity.
- 7.4 If your manager is unavailable, then you should contact an alternative manager within your service area. If you work in Waste Services and leave a message on the answerphone you should also leave a contact number so that a Team Leader can ring you back and check how you are.
- 7.6 Where you become unwell whilst at work, the same notification procedure should be adopted. You should not go home before reporting your sickness to a Team Leader or Manager unless there are extenuating circumstances which prevent you from doing this.
- 7.7 You should notify your manager as soon as possible if there is any change to the initial information you provided. For example, if you had anticipated returning to work a day later and then cannot. If you do not know how long you will be absent you should contact your line manager on a daily basis within half an hour of your normal start time. If you believe your absence will last more than 7 calendar days you must obtain a statement of fitness for work from your GP.

- 7.8 The statement of fitness for work should be provided to your Manager or HR within 7 days of its date of issue.
- 7.9 If your absence continues beyond a week and you are well enough to do so you should contact your manager regularly throughout the period of absence to let them know how you are and when you expect to be well enough to return to work. As a guide, contact from the second week onwards should normally be at least weekly.
- 7.10 On returning to work you should report to or contact your Team Leader or Manager. He or she want to know how well you have recovered, discuss any underlying reasons for the absence, bring you up to date with any developments whilst you have been absent and arrange for completion of the return to work form, including any adjustments which would assist your return to your normal job role.
- 7.11 If your doctor provides a Fit Note stating that you “may be fit for work” you should inform your manager immediately who will discuss with you whether there are any additional measures that may be needed to facilitate your return to work, taking into account the doctor’s advice. This may take place before your return or during a return to work interview. If appropriate measures cannot be agreed or taken, we will treat the fit note as if it says that you are not fit for work and you will remain on sick leave. We will then set a date to review the situation and may consider undertaking a risk assessment as part of your return to work.
- 7.12 Notifying your employer about your absence and keeping them updated is important and employees should be aware that entitlements under occupational or statutory sick pay schemes may not be paid if the notification procedure is not followed.

8 Absence Recording

- 8.1 Every period of absence will be recorded and discussed with the individual upon their return to work regardless of the length of absence.
- 8.2 This return to work meeting must be undertaken at the earliest opportunity on their first day back at work and in a suitable place for a confidential discussion. This should be confirmed in writing on the appropriate return to work form, the return to work meeting is considered to be Stage One of this procedure.

9 Absence Definitions

- 9.1 Short Term; for the purposes of this policy and Council monitoring, short term absences are those which last for less than four weeks.

- 9.2 Long term; is defined as a period of a sickness absence lasting for four weeks or more.

10 Managing Short Term Absence

- 10.1 Where an individual's level of short term absence is intermittent and persistent the manager should complete a formal absence interviews to discuss any contributing reasons for the absences and any other support that is needed.

Where the following 'triggers' occur, the line manager will review the absence levels with the employee:

- 3 or more separate instances of sickness absence in any 12 month period*
- 2 continuous weeks of absence
- A pattern of either absence or appointments during core hours which have not been discussed or agreed in advance with your manager. (A pattern of absences can include, for example, Fridays and/or Mondays on a weekly, monthly or bi-monthly basis)

*The 12 month period is a rolling one, so will consider the 12 months prior to the absence being considered

- 10.2 Where the absence reaches one of these trigger points, the manager will meet with the individual for a Formal Absence Interview which is Stage Two of this procedure.
- 10.3 In some circumstances, such as where a member of staff has a mental health condition it may not be possible to meet with them personally, HR will advise if this circumstance should arise and managers should seek advice from HR before making formal interview arrangements.
- 10.4 Exceptionally the line manager also has the discretion, in consultation with HR, to formalise contact regarding the health, safety and well being of the employee where there is cause for concern. This may mean that a Stage Two Formal Absence Interview takes place where the normal trigger pattern has not been activated because the manager's first obligation remains to look after the health, safety and wellbeing of the individual and team . The manager's first obligation remains to look after the health, safety and well being of the individual and team. In such cases a formal record will be kept of the reason for triggering a Stage 2 Interview, this will be discussed with the employee and followed up in writing.
- 10.5 The Stage Two Formal Absence Interview is a formal interview to review the current situation and devise an action plan to support attendance.
- 10.6 The meeting should be open, honest, constructive and supportive. The employee should be encouraged to talk about the reasons for the absence,

what medical or other help is being provided and whether the Council can assist in any way. The manager should explain the reason for their concern the importance of supporting a swift return to work and the impact of the sickness absences on the service and colleagues within the service area.

- 10.7 An action plan will be agreed with the individual and an appropriate review date set. The review period will depend upon the individual circumstances.
- 10.8 The content of the meeting will be recorded on the Formal Absence Interview record defining the nature of the absence. These may be categorised as follows:
- Intermittent absence with underlying medical condition
 - Single, period of absence due to obvious medical condition/treatment
 - Intermittent and persistent absence where there is no obvious medical condition.
- 10.9 In conclusion of this meeting, the manager will decide the most appropriate action in view of the issues discussed. This can include one or more of the following:
- Support and/or assistance as appropriate
 - Monitoring of the employee's level of sickness over a specified period (a minimum of three months). This timescale must be clearly set out with the improvements that are expected.
 - Referral to the Council's Medical Advisor. A further meeting will be arranged to discuss the findings of this report once it has been received.
 - Discussion and implementation of reasonable adjustments in terms of duties, location of work, equipment, hours of work etc.
- 8.10 In addition to the discussion of actions planned to support an improvement in attendance, the employee will be advised that this meeting will be confirmed in writing and that this marks the beginning of a formal rolling 12 month attendance management process.
- 8.11 If, following written confirmation of the Stage Two Formal Absence Interview, there is further short term sickness absence within the 12 month period this may lead to a further Formal Review of Absence which is Stage 3 of the Policy.

If attendance improves and is no longer giving cause for concern, the manager should confirm in writing that the individual's attendance is no longer being actively managed. Any future sickness will be monitored in the usual way.

11 Managing Long Term Absence

- 11.1 If an individual has been absent for four weeks or more the manager should have, where appropriate, had ongoing informal contact with the member of staff during this time by telephone to ascertain progress and to determine whether there is any assistance which the organisation can give.
- 11.2 If the individual remains absent after four weeks and there is no indication of an imminent return, the manager will arrange to meet with the employee. This meeting will be to discuss the absence, any treatment that is being received, the likely return to work date if known and offer any assistance to help the individual return to work as well as keeping the individual informed about what is happening with the Council.
- 11.3 As noted above, if attendance does not improve as a result of actions taken under Stage 2 of this process, Stage 3 will be triggered. This involves a formal absence review and, if it has not been done before, the individual will be referred to Occupational Health.
- 11.4 The purpose of this review is:
- To consider progress to date on achieving the required standards and improvements that were discussed during the Stage Two Formal Absence Interview
 - The reasons and factors contributing to further sickness absence
 - Managerial concerns
 - Employees view on managerial concerns and their own comments/concerns.
- 11.5 Where the absence continues and there is no clear indication of a return date in the foreseeable future the Senior Manager or Head of Service should meet with the individual to review and discuss the next steps. In some cases, this may mean consideration of Ill Health Retirement.
- 11.6 After consultation with the individual the Head of Service or senior manager will consider:
- The nature of the illness/reason for long term absence
 - The length of the absence/s to date and the likely length of continuing absence
 - Any known medical information
 - The effect of continuing absence on the team

- Whether all possible measures to support the individual in achieving and sustaining a satisfactory level of attendance in cases of intermittent or persistent sickness absence have been considered and undertaken as appropriate.
 - Whether an additional action plan or target should be implemented with timescales
 - Whether the individual should be referred to Stage 4 of this procedure (a Capability Hearing).
- 11.7 The outcome of the meeting will be dependent on the individual circumstances of each case, and should be followed up in writing to the individual, clearly setting out the situation. When all appropriate options have been explored and where a date of return to work is not expected within a reasonable period the outcome of this review may be a decision to refer the employee to Stage 4 which is a Capability Hearing. Any actions being contemplated will be discussed with the employee and their representative, if applicable, before any decisions are made.
- 11.8 If attendance improves and is no longer giving cause for concern, the manager should confirm in writing that the individual's attendance is no longer being actively managed. Any future sickness will be monitored in the usual way.

12 Capability Hearing

- 12.1 This is stage Four of the policy and should only take place once the the Return to Work and Formal Absence Interview and Review at Stage Two and Three have been completed.
- 12.2 The individual will be advised in writing, with a minimum of 5 working days' notice, of the meeting confirming the date, time place and purpose of the hearing.
- 12.3 The capability hearing is a formal meeting between the member of staff, a senior manager or Head of Service (Hearing Manager), the employee's manager (the Presenting Manager) and a representative from HR. The employee has the right to be accompanied by a trade union representative or workplace colleague.
- 12.4 The manager must send written notification of the meeting and a copy of the case papers to the employee and their representative 5 working days in advance of the meeting.
- 12.5 Papers that the employee wishes to present at the hearing must be sent to the Hearing Manager at least 5 working days in advance of the hearing.

- 12.6 At the Capability Hearing the Presenting Manager will;
- (i) Outline the staff member's absence record including information/assessment from occupational health
 - (ii) Specify the attendance levels expected in relation to Council averages and concern levels.
 - (iii) Set out what support and advice has been given including reasonable adjustments.
 - (iv) Demonstrate that attendance levels have not improved to an acceptable level.
- 12.7 The Hearing Manager will;
- (i) Provide the staff member/and or their representative with an opportunity to present their case and any additional relevant information.
 - (ii) Adjourn the hearing to consider the evidence presented by both sides.
- 12.8 At the end of the hearing the Hearing Manager will decide on one of the following outcomes;
- (i) Dismissal on the grounds of lack of capability to attend work.
 - (ii) Dismissal on the grounds of a lack of capability unless suitable alternative employment is identified within the notice period.
 - (iii) Dismissal on the grounds of permanent ill health (supported by medical certification).
 - (iv) No dismissal or warning required.
- 12.9 Where possible, the Hearing Manager will inform the employee in person at the end of the hearing of the outcome. If this is not possible an adjournment will be called and the hearing will be reconvened at the earliest possible date. Either way, once the outcome has been verbally advised a letter will be sent confirming the decision in writing within 10 working days. A copy of the letter will be held on the employee's personal file.

13 Appeals Against Dismissal

- 13.1 The staff member may appeal against the decision in writing clearly stating the grounds of appeal to the Head of Organisational Development (OD) within 5 days of receipt of the letter confirming the outcome. On receipt of the appeal letter the Head of OD will then arrange for a panel of elected members to hear the grounds for appeal. The appeal hearing will be held as soon as is reasonably practicable, for further information see the Councils Appeals Procedure.

14 Contact whilst absent from work

- 14.1 During short term absence contact between manager and employee should be maintained as detailed in the 'procedure to follow' section of this policy.
- 14.2 When an employee is long term sick (i.e. has been absent from work for four weeks or more) a welfare visit will be arranged with the manager and HR.
- 14.3 This will be set up providing the employee with a minimum of 5 working days' notice and with the option of the meeting be held at their home address, at the office or at another mutually agreed venue. The employee is entitled to have a work colleague or union representative present at the meeting.
- 14.4 The purpose of a welfare meeting is to
- Maintain contact with the employee
 - Gain clarification on the employees' health and progress to date
 - Enable the employee to provide information in relation to their sickness absence
 - Decide the most appropriate action e.g. Support or assistance, referral to the Medical Advisor.
- 14.5 Thereafter the manager and employee should agree a protocol for keeping in touch. For example, telephone calls once a week. The purpose of this ongoing contact is to ascertain progress and to determine whether there is any assistance which the organisation can give. If an employee is off for a prolonged period, depending on the nature of their illness, managers will take appropriate steps to ensure that they continue to feel 'part of the team' such as sending them internal communications and inviting them to major events if they are well enough to attend.
- 14.6 If there are time-sensitive issues which need to be resolved, such as a redundancy situation or ongoing disciplinary proceedings, the Council may well seek Medical Advice as to whether or not employees are well enough to participate in the matter and may implement reasonable adjustments to the process involved if appropriate and relevant. The decision regarding this will also consider how many other staff are affected by the issue and, for example, how they would be impacted if a delay were to be proposed.

15 Return to work

- 15.1 Where an employee returns to work following long term absence, the manager should arrange to meet to provide a welcome back; ensure the individual is fit for work, discuss any adjustments advised on the fit note by the individual's doctor, update on news and current work.

- 15.2 If the employee is unlikely to recover sufficiently to enable a return to work to his/her previous duties, the Council will consider what reasonable adjustments can be made to support the individual. This might result in offering suitable alternative work if it is available. This would not necessarily be equivalent employment in terms of responsibilities or remuneration.
- 15.3 Managers will work with HR to identify a reasonable alternative work for which the individual has the necessary skills and experience of which training could be provided within a reasonable timescale.
- 15.4 Temporary phased-in returns to work may be agreed by the line manager (often with support and advice from HR) where it has been recommended by a medical practitioner to assist the employee in returning to work on a permanent basis. They may last up to four weeks and the employee will be regarded as being back at work and will receive their normal weekly pay for those weeks.
- 15.5 Phased returns lasting more than 4 weeks may only be agreed by the Manager in consultation with HR. Such cases are unusual, but not unknown and generally start with very few hours being worked because of the individual circumstances. In such cases, the pay arrangements may be agreed on an individual basis, but as a minimum, the employee will be paid either the sick pay they would otherwise receive or the normal pay for the actual hours worked, whichever is the greater.
- 15.6 Phased returns are not automatically granted and may be declined where it can be demonstrated that they may cause operational difficulties and/or adversely affect the needs of the other team members of the service.

16 Representation

- 16.1 Employees may ask for representation by a work colleague or union representative at any formal meeting from Stage Two of this policy onwards. If you feel there are special circumstances because of which you would like to be accompanied at Stage 1 of this policy (during your return to work meeting) please discuss this with either HR or your manager.

17 Sick Pay

- 17.1 Entitlement to Occupational sick pay is outlined in your statement of particulars of employment and will depend on your length of service. The Council also has the right to withhold/stop occupational sick pay in circumstances where an individual is:
- Failing to aid their recovery in every way possible, either by undertaking activities or behaviours that negatively affect or impede their recovery or by carrying out any other paid or unpaid work during a period of absence

- Failing to follow the reporting procedures set out in this policy
- 17.2 Most employees have a contract which recognises the conditions of service of the National Joint Council (NJC) for Local Authority Workers. NJC conditions of service provide Occupational Sick Pay (OSP) (a payment equating to full or half pay at the standard rate for the job) at stated rates and for periods of time linked to the completed 'continuous service' of the individual. These employee's may also have entitlement to Statutory Sick Pay (SSP) according to their rate of pay, this may be payable for up to 28 weeks of each period of absence due to illness.
- 17.3 Certain groups of employees within the Council are not entitled to OSP but may be entitled to SSP depending on their earnings.
- 17.4 The Council reserves the right to dismiss an employee for unsustainable levels of sickness absence, even where an employee has not exhausted all of their sick pay entitlements, once the procedures under this policy have been followed.

18 Industrial Injuries

- 18.1 Managers need to ensure that the Health and Safety procedure for reporting accidents is followed where an absence is a result of an alleged industrial injury. It is the responsibility of the Department of Work and Pensions (DWP) to decide whether to accept any claims by a staff member to have an accident at work declared as an industrial injury.
- 18.2 Sickness entitlement for industrial injuries is treated as separate entitlement to normal occupational sick pay so only previous periods of industrial injury allowance within the preceding 12 month period count against the sickness entitlement.
- 18.3 All accidents and activities resulting in industrial injuries must be investigated locally and the findings and any action points should be notified to the Head of Service, relevant Director, Council's Health & Safety Adviser and HR. The Council's Health and Safety Officer may advise the Trade Union Health and Safety Officer particularly if one of their members is involved.

19 Stress and Mental Health Issues

- 19.1 Whilst the vast majority of people with mental health problems are treated by their GP and many are capable of continuing to work effectively, some will need different levels of support from colleagues, their manager and possibly the Council as their employer.
- 19.2 The most common forms of clinically diagnosed mental health problems are depression and anxiety and the symptoms of these conditions can have a

severe impact on an individual's everyday life including their attitude, behaviour and performance at work.

- 19.3 Where managers are concerned that a staff member may have a mental health issue (for example if they seem depressed or withdrawn) it is important to talk to the staff member and offer support. Seek advice and guidance from HR when managing mental health issues in the workplace. Further information which may be helpful to individuals and/or their managers can be found on the Council's Employee Assistance website which can be accessed via the Intranet.
- 19.4 Staff can advise a manager, HR or a Trade Union Health and Safety Representative if they are concerned about a colleague within the organisation whom they consider may be suffering from a mental health issue.

20 Alcohol and Drugs

- 20.1 It is important to recognise that absence and performance problems may occur where employees have a particular problem related to drugs or alcohol. Managers should seek as far as reasonable, to be supportive of those suffering dependency. This cannot however, be at the expense of the needs of the service.
- 20.2 Managers should seek to positively assist any employee who is willing to take active steps to overcome their addiction; seeking professional advice to deal with the addiction offers the best opportunity to overcome their problem. This will probably include taking advice from the Council's Occupational Health Advisors.
- 20.3 In the event that a breach of Council Rules occurs, arising through dependency, action will be pursued through the appropriate procedure i.e. disciplinary or capability.

21 Ill Health Retirement

- 21.1 An employee who cannot return to work on the grounds of permanent ill health may be considered for Ill Health retirement subject to certain conditions being met.
- 21.2 This applies where the employee is a member of the Local Government Pension Scheme and Occupational Health confirm that the employee is, or will soon be, medically unfit to undertake his/her post or any other suitable post available.
- 21.3 With confirmation from the Council's Medical Advisor, if an employee is deemed "permanently unfit for their substantive post or any other comparable

duties within the Council”, would be eligible to be considered for ill-health retirement.

- 21.4 If the employee is retired on ill health grounds, and has been a member of the pension scheme for at least two years, they are eligible to have their pension rights brought forward to the date of ill-health retirement.
- 21.5 When an employee is declared permanently unfit for their substantive post, the Manager/HR will:
- (i) Provide the employee with a copy of the Medical Advisor’s report
 - (ii) Offer the opportunity of a meeting with the Manager/HR to review the circumstances i.e. redeployment or retirement, informing them of their entitlement to have a union representative or work colleague present
 - (iii) Inform the employee that they have a right to appeal against the decision
- 21.6 Where alternative employment is not appropriate, the Manager/HR will:
- (i) Confirm the report from the Council’s Medical Advisor in writing to the employee
 - (ii) Advise the employee of their entitlements under the pension scheme (if they are a member)
 - (iii) Inform the employee of the intention to seek approval of termination of their employment, on the grounds of premature retirement due to ill health
 - (iv) Outline their right to appeal against the Council’s Medical Advisor’s decision

22 Sickness and Annual Leave

- 22.1 If you fall sick during annual leave, a Statement of Fitness for Work will be required to reclaim lost annual leave. On production of the Statement, the absence will be regarded as sick leave from the date indicated on the statement and the relevant annual leave will be re-credited to you.

23 Ill health which does not lead to absence from work

- 23.1 There may be occasions where an employee is suffering from ill health but this does not lead to the employee being absent from work. If the employee believes that their ill health or long term health condition is having an impact on their ability to undertake their job they should raise this with their line manager. The manager will discuss the matter confidentially with employee, review the workplace risk assessment and discuss whether any additional support can be provided to the employee to support them at work. Depending on the circumstances, it may be helpful to seek advice and guidance through the Occupational Health Service.

24 Disciplinary Considerations

- 24.1 The Attendance Management Policy will be followed in all cases for all employees.
- 24.2 The Head of Service is also entitled to investigate the cause of any absence where he or she sees fit. In addition there are a number of different steps that the Council can take when problems arise, depending on the individual circumstances of each case.

These include:

- (i) Withholding sick pay where it can be shown that the employee is not aiding their return to work by undertaking activities or behaviours that negatively affects or impedes their recovery.
 - (ii) Regarding the sickness as unpaid leave if the employee fails to follow the reporting procedures set out above.
 - (iii) Regarding any false information about the absence as a disciplinary matter that may result in a warning or dismissal under the Council's Disciplinary Procedure.
 - (iv) Regarding any failure to aid their recovery in every way possible as a possible disciplinary matter. This includes carrying out any other paid or unpaid work during a period of absence that has not previously been agreed with the Council/manager.
 - (v) Regarding a deliberate and/or persistent failure to follow reasonable health and safety procedures.
- 24.3 If any of these steps are taken employees will be informed in writing. If employees feel they have been unfairly treated they may register a grievance under the Council's Grievance Procedure.
- 24.4 In some cases where absence gives cause for concern, the Councils reserve the right to deal with an attendance problem under the Disciplinary Procedure rather than this Attendance Management Policy (an example of this could be a persistent failure to follow procedures, though each case will be assessed on its own merits).
- 24.5 A false declaration of sickness absence is a serious matter and may result in disciplinary action, including dismissal.

25 Referral to other Council Policies

- 25.1 Referral to the following policies or procedures may be necessary depending on the circumstances:

- Policy on drugs and alcohol in the workplace
- Work Related Stress/Stress Management Policy
- Annual and other leave
- Flexi time scheme
- Well-being Programme

JTP Equality and Fairness Analysis



Officer responsible for equality and fairness analysis	Karen Joyce
Officer responsible for proposal/work stream	Helen Knight
Proposal/work stream	Attendance Policy for Lewes District Council, Eastbourne Borough Council and EHL
Key people involved in the proposal/work stream and its implementation	Helen Knight HR Manager Shared Service Becky Cooke Assistant Director of HR and Organisational Development
Decision making bodies the analysis will be referred to	CMT
Snr/Head of Service	Becky Cooke, Assistant Director of HR and Organisational Development
Date of JTP Consultative Forum to consider analysis	

PREPARATION

Title	Attendance Policy
What is the purpose of the proposal and why is it needed?	

The purpose of the analysis is to consider the equality and fairness implications associated with the implementation of a standardised Attendance Policy across Lewes District and Eastbourne Borough Councils and Eastbourne Homes Ltd.

The Absence Policy will provide clarity for managers across all organisations and ensure a consistent approach to the procedure they should follow when dealing with employees who are absent from the workplace, it will also provide them with knowledge and understanding of the support that is available to employees who may require it.

The Absence Policy also summaries the procedures employees should follow when they are absent from the workplace which will ensure equality and consistency across all the organisations.

What are the intended deliverables of the proposal/work stream?

The Attendance Policy will work across Lewes District and Eastbourne Borough Council and Eastbourne Homes Ltd., creating a new standardised policy across all of the organisations following a process of consultation with Unison, EBC Joint Consultative Committee and LDC Employment Committee. The Attendance Policy will ensure consistency in the management of attendance by managers across all of the organisations.

What are the expected outcomes / longer term benefits of the proposal?

That there will be a consistent approach in managing absences across all organisations which will ensure that all employees regardless which organisation they work for will be treated equally and fairly with the same procedures, triggers, support and assistance.

The long term benefits are a reduction in absence across all organisations leading to greater productivity, improved customer service, greater resilience in the service provision and cost saving in days lost. It also leads to improved support for employees who have a long term absence and those that may fall under the Equalities Act 2010 protected characteristics.

Employees will benefit from being supported by their managers, HR, occupational health and the Employee Wellbeing Programme at an early stage of their absence and a consist approach to how managers deal with absences.

What information do you have to analyse the equality impact of this proposal/work stream? *N.B. See appendix 1 for some of the data required for specific proposals which include staff restructuring. See appendix 2 for guidance on where to find data on demographics etc.*

Equality and absences data is held by the individual organisations on HR/Payroll data bases and includes details of any protected characteristics.

Currently this data is in the process of beginning updated and every employee will be asked to review their personal details and make amendments where necessary. Until this process has been completed the data may not be a true reflection of current employees so analysis has not been undertaken at this time.

Are there are any gaps in this information and if so, what are these?

Currently there are gaps and further analysis will be required in some of the organisations that do not have up to date details on their employees some of who may have protected characteristics that could affect their attendance such as a disability.

Electronic absence reporting in some organisations has not been able to be completed due to technical reasons.

What steps did you take, or are you intending to take, to fill these gaps?

Requesting up to date personal information from all employees including asking if they have a disability, ensuring this information is regularly requested and captured for new employees at the time of appointment and that HR are notified if an employee become disabled during their employment. This data is securely stored on the individual HR data bases of each organisation's and will be used for analysis when required.

There is a fault with Firm step absence reporting system at EBC which has been reported to IT and is scheduled for review in the next few months, a new sickness reporting system will be introduced across all the organisations in October 2016 in conjunction with the new Absence Policy, training will be given to all managers.

ANALYSIS

Under the Public Sector Equality duty, we have an obligation to:

1. eliminate discrimination, harassment and victimisation
2. advance equality of opportunity
3. foster good relations between people who share protected characteristics and those who do not

With regard to the JTP, particular issues to consider include (but are not limited to):

- Design principles for new way of working / workstream / proposal
- Employment Model (employer, mobile working, working pattern, structure, location, recruitment process)
- ICT (Information Technology and Communications software and hardware) / Equipment / Premises
- Impact of changes to methods of service delivery on customers

In all cases, the impact on both **staff** and **customers** should be considered. In most cases, this should involve consultation with the affected groups in undertaking this analysis.

Use the data collected in the Appendices to inform this analysis. That data should be kept confidential where small sample sizes would mean that individuals may be identifiable.

1. Elimination of discrimination, harassment and victimisation

What does all the information gathered tell you about the potential impact of the proposal/work stream on staff who shares each of the protected characteristics?				
Protected Characteristic	Design Principles	Employment Model	ITC/Equipment / Premises etc.	Other
Age	Absences will be managed across all organisations consistently and fairly	All employees regardless of their place of work or working patterns will be	Limited use of IT used in recording absences, HR and payroll input	

	regardless of the employee's age.	treated equally and fairly under the Absence Policy. *Please see below for information concerning casual workers.	data and keep records of employees personal details and absences, employees required to inform them if not up to date or incorrect.	
Disability	Any employee who has a disability or who is believed to have one will have reasonable adjustments made to assist them in their employment and additional support put in place where required.			
Gender reassignment	Any employees who have or are undergoing gender reassignment will be protected under the Equalities Act 2010 and the individual organisations policies.			
Marriage and civil partnership	Due regard will be given to eliminate discrimination in relation to employees status.			
Maternity and pregnancy	Current maternity policies in all organisations will still apply and will be reviewed			

	to ensure a consistent approach across all the organisations.			
Ethnicity	The policy will apply to all employees regard less of their ethnicity and due regard will be given to eliminate discriminate in relation to an employees ethnicity.			
Religion or beliefs	The Absence policy applies to all employees regardless of their religion or beliefs and due regard will be given to eliminate discriminate in relation to an employees religion or beliefs.			
Sex / gender	The Absence policy applies to all employees regardless of their gender and due regard will be given to eliminate discriminate in relation to an employees sex or gender.			
Sexual orientation	The Absence policy applies to all employees regardless of their sexual orientation and due regard will be			

	given to eliminate discriminate in relation to an employees sexual orientation.			
Part time/flexible workers	The Absence policy applies to all employees regardless of their employment status and due regard will be given to eliminate discriminate in relation to an employees employment status.			
Temporary staff	The Absence policy will apply to employees who are on fixed term contracts or secondment but not too *casual staff who are paid for the hours they work and don't receive OSP.			
Based on your evidence and engagement is there potential for a differential impact on <u>staff</u> who share protected characteristics? If so, what is the justification for this or what do you propose to do to mitigate it?				
<p>There is a legal responsibility for employers to make reasonable adjustments for employees that fall under the Equalities Act 2010 who have or we believe may have a disability.</p> <p>It is not considered that there is a disproportionate impact on any particular equality group. There will be equalities monitoring of all absences, including those employees who fall under the disability characteristic, HR and line managers will review what we are doing to support these members of staff and what reasonable adjustments are we making to get them back and to stay in work.</p>				

Analysis is carried out every quarter in LDC and EBC and monthly for EHL on all absences and any significant variance will be investigated to ensure appropriate action is taken regarding the Councils' commitment to equalities.

What does all the information gathered tell you about the potential impact of the proposal/work stream on customers who share each of the protected characteristics?

Protected Characteristic	Design Principles	Service Delivery Method	Other
Age			
Disability			
Gender reassignment			
Marriage and civil partnership			
Maternity and pregnancy			
Ethnicity			
Religion or beliefs			
Sex / gender			
Sexual orientation			

Socio Economic Group			
Rural/Urban populace			
Based on your evidence and engagement is there potential for a differential impact on <u>customers</u> who share protected characteristics? If so, what is the justification for this or what do you propose to do to mitigate it?			
<p>There may be an assumption that there could be a disproportionate impact on employees who have disability and because of this may have more absences. HR and managers will use the tools they have available to them such as employees informing us they have a disability, RTW interviews, Fit for Work notes, occupational health to make reasonable adjustments for these employees to ensure they are not treated less favourably.</p> <p>HR will undertake an Equalities Impact Assessment every 3 years to ensure that the Absence Policy does not have a negative impact on any particular equality group. If there are any significant variances as a result they will be investigated to ensure appropriate action is taken regarding the Councils' commitment to equalities.</p>			

2. Advancement of Equality of Opportunity

What opportunities are there to advance equality of opportunity for staff through this proposal/work stream?

By having up to date information and knowledge of employees who may have a disability we can better assist them in returning to work after any absences they may have and/ or helping them to remain in work by making reasonable adjustments to their working life.

With up to date information other protected characteristics may become known that could have an impact on the employee's attendance and by being aware of this managers and HR are better able to assist and support these employees in work and if they are ever absent from work.

What opportunities are there to advance equality of opportunity for customers through this proposal/work stream

By ensuring we are able to support employees at every stage of their employment and help them to return to work from any absence they may have, providing them with support and assistances, making reasonable adjustments where required will ensure a workforce which is motivated, feels supported and with high attendance levels which will lead on to improved customer service for all our customers.

Fostering Good Relations

Is there a possibility that this proposal/work stream could lead to negative perceptions among staff, and if so what will you do to counter this?

The Absence Policy may be seen as punitive to some employees as they feel they are unable to help being ill and it is better to take the time off work then to possibly infect their work colleagues with illness or work when not well and not be able to provide good customer service.

Bite size training sessions are being delivered by HR to all managers in each organisation to ensure a consistent and supportive approach to how they manage absence within their teams so that all employees feel they are fairly and consistently treated.

The long term outcome is that absences will decrease and employees will feel valued and supported.

Is there a possibility that this proposal/work stream could lead to negative perceptions among customers, and if so what will you do to counter this?

It is not anticipated, as the Absence Policy should lead to a reduction in absences and a workforce that feels supported which should improve the customer service that all the organisations deliver.

FINDINGS

The Councils will need to take steps to address any issues identified by this analysis. You should set out below how this will be done.

Protected Characteristic	Issue identified	Actions proposed	Lead Officer
Disability		Employees who have a disability may be requested to attend an occupational health appointment (if they haven't already) in order that the OH doctors can undertake a medical assessment and make recommendation to assist managers and HR in making any reasonable adjustment required to the employees working environment and put in place the necessary support.	Helen Knight

Quality assurance for this analysis	
What was the outcome of the JTP Consultative Forum?	
How will you implement any recommendations the Forum made?	
How will the actions be monitored, when will this be reviewed and who will do this?	

Who will analyse the monitoring at its review stages?	
What could trigger a revision to this analysis?	
Will you involve key service users/other parties in the review process? If so, how?	
How will you publish the results of any reviews?	

For completion by the JTP Consultative Forum:

Results of group discussion and recommended course of action:	
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Appendix 1 - internal use only

Data collection for staff restructuring proposals:

The tables below identify the data required to carry put a meaningful analysis of the staff that are affected by this new Absence policy.

Team(s)	Total number of staff in the affected area	Total number of staff in scope of the proposed new Absence Policy
LDC		
EBC		
EH LTD.,		
Total		

Age Band	Total number of staff in affected area (LDC)	Total number of staff in affected area (EBC, EHL)	TOTAL number of staff
16-24			
25-34			
35-44			
45-54			
55-64			
65+			
Unrecorded			
Total			

Gender	Total number of staff in affected area(LDC)	Total Number of staff affected in areas (EBC, EHL)	Total number of staff
Male			
Female			
Total			

Ethnicity	Total number	Total number	Total number
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	of staff in affected area(LDC)	of staff affected in areas (EBC, EHL)	of staff affected
White			
BME*			
Unrecorded			
Total			

*Includes Black, Asian, Chinese, Arab, Mixed, Other

Disability Status	Total number of staff in affected area(LDC)	Total number of staff affected in areas (EBC, EHL)	Total number of staff affected
Disabled			
Not disabled			
Unrecorded			
Total			

Sexual Orientation	Total number of staff in affected area(LDC)	Total number of staff in affected areas (EBC,EHL)	Total number of staff affected
Bisexual			
Gay Man			
Heterosexual			
Lesbian/ Gay Woman			
Other			
Unrecorded			
Total			

Religion/Belief	Total number of staff in affected area(LDC)	Total number of staff affected in areas (EBC, EHL)	Total number of staff affected
Sikh			
Muslim			

Jewish			
Hindu			
Christian			
Buddhist			
No religion			
Unrecorded			
Total			

Working pattern	Total number of staff in affected area(LDC)	Total number of staff in affected areas (EBC, EHL)	Total number of employees
FTE = Full time equivalent			
1.0 FTE (37+ hours / week)			
0.5 FTE + (18.5 hours per week or more on average)			
Less than 0.5 FTE (less than 18.5 hours per week on average)			

Length of contract	Total number of staff in affected area(LDC)	Total number of staff in affected areas (EBC, EHL)	Total number of staff
Permanent contract			
Temporary contract			

Appendix 2 – Where to find data about the District

1. Both quantitative and qualitative forms of information and data should be gathered from existing sources where available. Relevant data is likely to include:
 - Information about the demographics of the local community. Some examples of possible sources can include including Census data, Office of National Statistics, Indices of Multiple Deprivation information, LG Inform and East Sussex in Figures.
 - Any relevant equality monitoring data. This can include number of users/non-users, case outcomes, contracts monitoring, complaints, satisfaction surveys etc. where this is broken down by the different protected equality groups.
 - Procedures, documents, information and publicity relating to the service/policy area.
 - Comparisons with similar policies in other departments or authorities.
 - Previous equality analysis reports and action plans.
 - Consultation exercises, such as surveys and focus groups.
 - Recommendations of relevant inspection and audit reports and reviews.
 - Relevant recent research findings from local, regional or national sources.
 - Information from groups and agencies directly in touch with particular groups in the communities we serve, for example from voluntary and community organisations like 3VA, East Sussex Seniors Association and Sussex Community Development Association.
 - Information from relevant partner agencies, such as the police or other local authorities.
2. Managers need to document the information being examined. You may find gaps in information or inadequacies in data. These need to be identified and it should be explained whether and how these gaps will be addressed in future. This can form part of your action plan.
3. Consultation with the representatives of the groups affected should be used wherever possible. The Communications Team should be made aware of any planned consultations and are available to provide support and advice where required.

Agenda Item No: 8 **Report No:** 112/16
Report Title: Sickness Report
Report To: Employment Committee **Date:** 12 September 2016
Cabinet Member:
Ward(s) Affected: All
Report By: Helen Knight
Contact Officer(s)- Helen Knight
Name(s): Helen Knight
Post Title(s): HR Manager, Shared Service/ Helen.knight@lewes.gov.uk
01273 661365
E-mail(s):
Tel No(s):

Purpose of Report:

To update the Employment Committee regarding the Council's sickness figures.

Officers Recommendation(s):

- 1 To note the report.
-

Reasons for Recommendations

- 1 The Committee have asked for a regular item to be presented regarding the absence statistics within the Council.

Information

- 2 The figures for Quarter 1 of 2016/17 (1 April to 30 June 2016) are presented as background papers to this report. The average number of days' absence per employee for Q1 was 3.0. Points to note are:
 - 2.1 Sickness absence for Q1 at LDC has reduced from Q4 of 2015/16 when the average number of day's absence per employee was 3.46.
 - 2.2 During Q1 short term absence reduced in every service area (in comparison to Q4) and Waste Services recorded a reduction in short term absence of 122 days lost compared to Q4.
 - 2.3 At the end of Quarter 1 (30 June 2016) there were 25 members of staff on long term absence. Since the beginning of Quarter 2 (from 1 July) 10 of these have returned to work, 2 are no longer employed by the Council and 1 is now on maternity leave. This demonstrates the

continued close management of absence by managers supported by HR.

2.4 As demonstrated by the reasons for absence by service area breakdown the reasons for absence during Q1 have been varied and, aside from musculoskeletal problems in Waste Services, there does not appear to be any common themes.

2.6 The management of sickness absence continues to be a priority within the organisation with close scrutiny and management by line managers and HR and it is intended that that this will be assisted by the introduction of the new Attendance Management Policy which has been written in collaboration with Unison.

3 Financial Appraisal

3.1 The financial implications of this report are the number of working days lost to sickness.

4 Legal Implications

4.1 The Legal Services Department have not been asked for comments.

5 Sustainability Implications

5.1 I have not completed the Sustainability Implications Questionnaire as this Report is exempt from the requirement because it is a progress report/budget monitoring report/development control report

6 Equality Screening

6.1 Equality analysis is not required as this is an information only report with no key decisions attached.

7 Background Papers

7.1 Excel spreadsheet showing the Council's sickness figures for Quarter 1 (1 April to 30 June 2016)

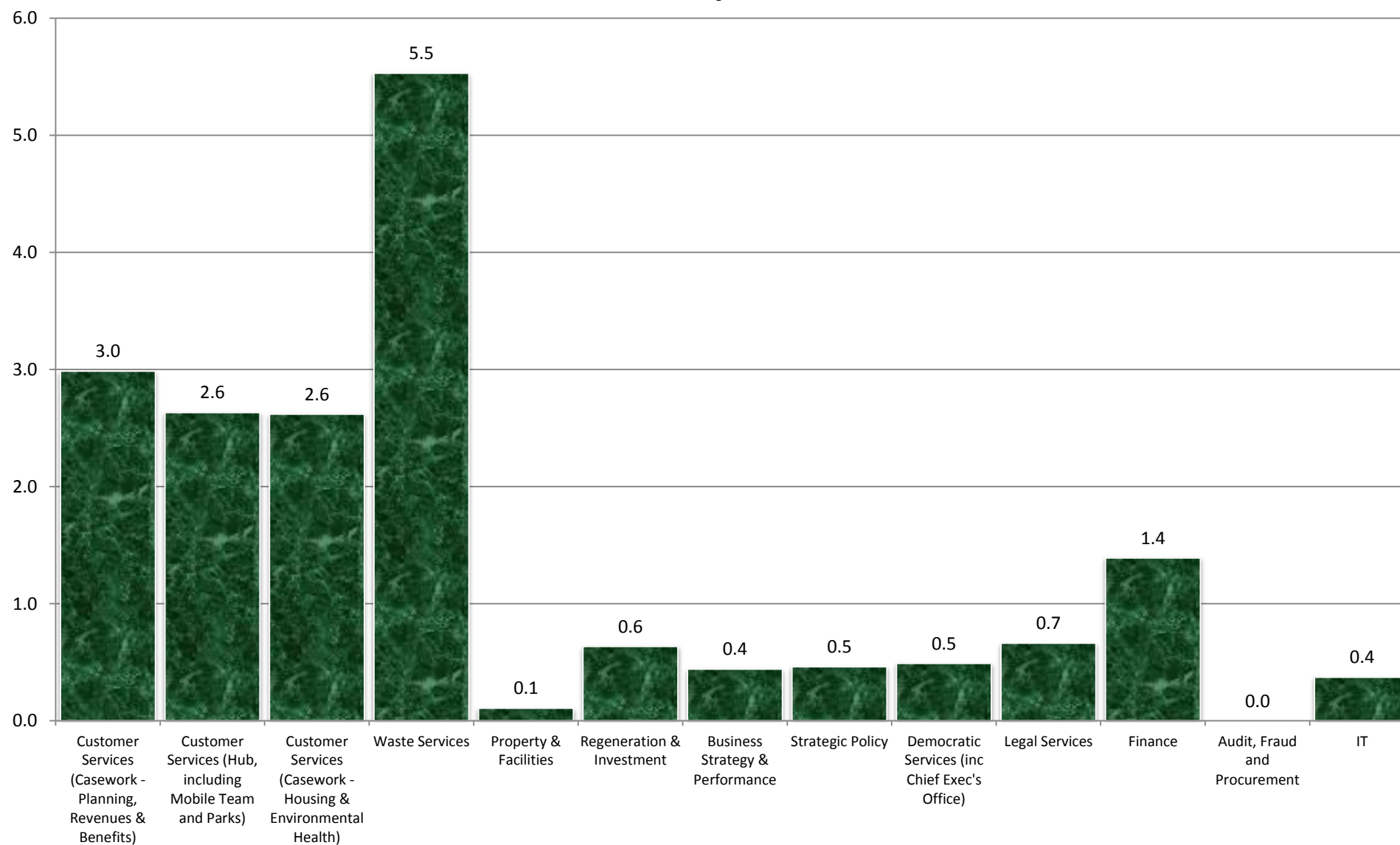
7.2 Excel Spreadsheet showing reasons for absence (by service area) during Quarter 1.

Dept	15/16 Q3 FTE	15/16 Q4 FTE	16/17 Q1 FTE
Customer Services (Casework - Planning, Revenues & Benefits)	47.58	51.59	56.09
Customer Services (Hub, including Mobile Team and Parks)	39.77	43.02	39.51
Customer Services (Casework - Housing & Environmental Health)	66.41	66.56	66.06
Waste Services	85.76	90.76	92.40
Property & Facilities	10.14	8.81	9.29
Regeneration & Investment	7.68	8.22	8.66
Business Strategy & Performance	8.16	8.67	9.06
Strategic Policy	7.50	9.5	6.50
Democratic Services (inc Chief Exec's Office)	15.81	13.81	10.20
Legal Services	8.97	9.05	9.05
Finance	16.58	15.37	15.10
Audit, Fraud and Procurement	5.45	5.05	5.05
IT	16.44	16.44	13.44
Total	336.25	346.85	340.41

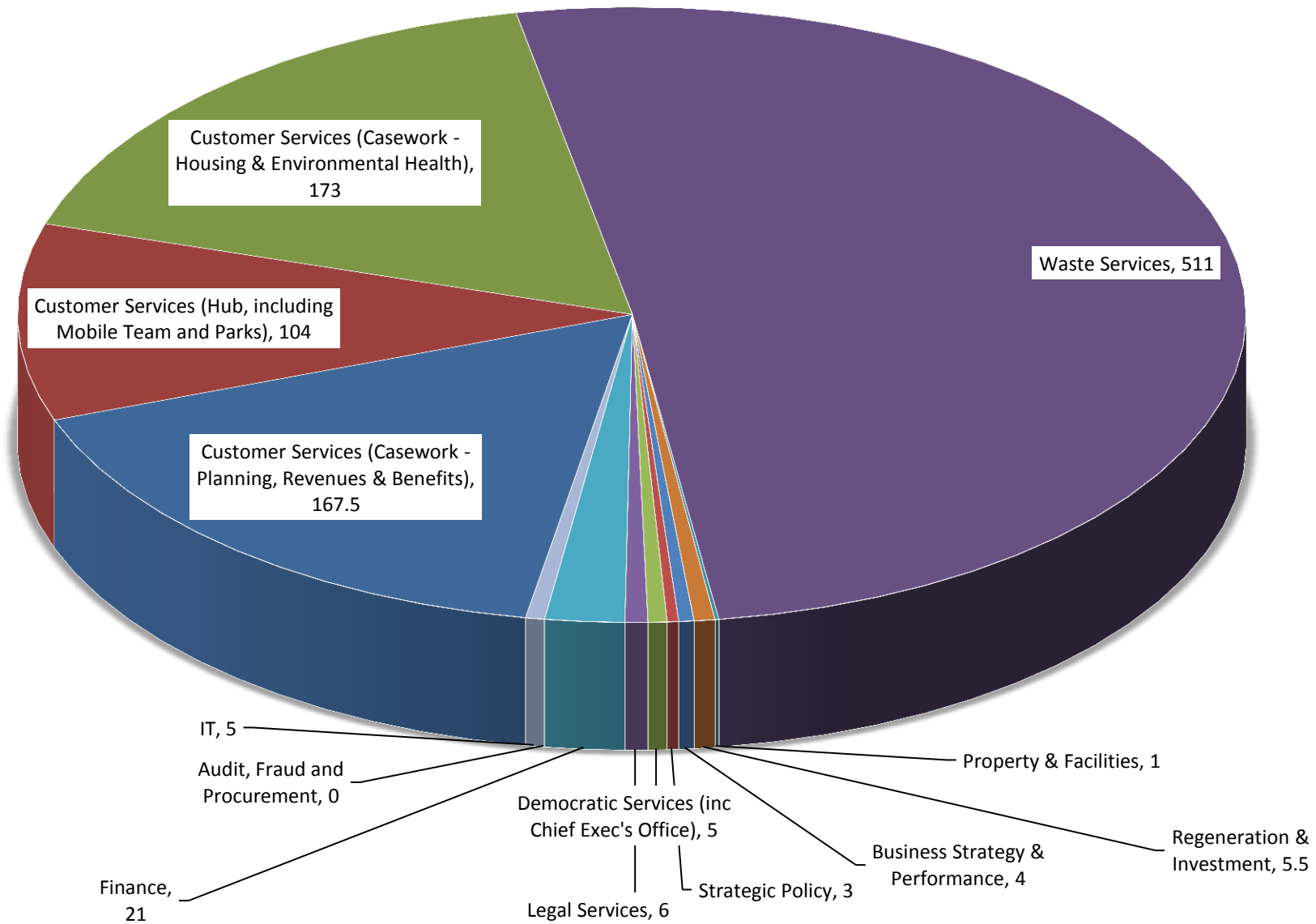
Dept	15/16 Q3 Absences	15/16 Q4 Absences	16/17 Q1 Absences	15/16 Q3 Days per FTE	15/16 Q4 Days Per FTE	16/17 Q1 Days Per FTE
Customer Services (Casework - Planning, Revenues & Benefits)	78.00	63.82	167.5	1.64	1.24	3.0
Customer Services (Hub, including Mobile Team and Parks)	252.00	207.37	104	6.34	4.82	2.6
Customer Services (Casework - Housing & Environmental Health)	252.00	251.17	173	3.79	3.77	2.6

Waste Services	527.00	546.37	511	6.15	6.02	5.5
Property & Facilities	35.00	8.67	1	3.45	0.98	0.1
Regeneration & Investment	0.00	6.03	5.5	0.00	0.73	0.6
Business Strategy & Performance	8.00	17.14	4	0.98	1.98	0.4
Strategic Policy	10.00	5.00	3	1.33	0.53	0.5
Democratic Services (inc Chief Exec's Office	7.00	10.39	5	0.44	0.75	0.5
Legal Services	5.00	26.89	6	0.56	2.97	0.7
Finance	5.00	32.31	21	0.30	2.10	1.4
Audit, Fraud and Procurement	0.00	-	0	0.00	0.00	0.0
IT	23.00	25.00	5	1.40	1.52	0.4
Total	1202	1200.16	1006	3.57	3.46	3.0

16/17 Q1 Days Per FTE



16/17 Q1 FTE Absences



Short Term Absence Reason Q3	
Reason	Number
Asthma	1
Back or Spinal Problem	5
Chest Infection	7
Chest Pain	2
Common Cold	6
Cough	1
Depression	1
Dizziness	1
Flu	9
Headache or Migraine	6
Kidney bladder or urinary disorder	2
Musculoskeletal problem (not back)	4
Operation & Recovery	4
Other disorder	10
Stomach or bowel disorder	18
Throat infection or tonsillitis	1
Unspecified	2
Viral Infection	4
Total	84

Musculoskeletal Breakdown	
Reason	Number
Knee problem	1
Leg pain	2
Pulled Muscle	1
Total	4

Other Disorder Breakdown	
Reason	Number
Epilepsy	1
Gall bladder	1
Hand, foot and mouth	1
Head and foot injuries (assault)	1
Insect bite	1
Overdose (accidental)	1
Sinus problem	1
Thyroid	1
Total	8

Short Term Absence Reasons by Department Q3		
Department	Reason	Number
Business Strategy & Performance	Flu	1
	Other disorder	1
	Total	2
Customer Services Hub	Chest infection	1
	Chest Pain	1
	Common cold	2
	Dental pain	1
	Depression	1
	Dizziness	1
	Flu	2
	Headache or migraine	1
	Operation & Recovery	1
Democratic Services (inc Chief Executive's Office)	Stomach or bowel disorder	1
	Viral Infection	1
	Total	13
	Common cold	1
	Dental problem	1
Finance	Throat infection or tonsillitis	1
	Total	3
	Flu	2
	Headache or migraine	1
	Operation & Recovery	1
	Other disorder	1
	Stomach or bowel disorder	2
Housing & Environmental Health	Total	7
	Back or spinal problem	1
	Chest infection	1
	Chest pain	1
	Common cold	1
	Cough	1
	Headache or migraine	1
	Operation & Recovery	1
	Other disorder	1
	Stomach or bowel disorder	5
	Viral Infection	3
	Total	16
Information Technology	Operation & Recovery	1
	Stomach or bowel disorder	1
	Total	2
Planning, Revenue & Benefits	Chest infection	2
	Common cold	1
	Flu	2
	Headache or migraine	3
	Kidney bladder or urinary disorder	1
	Stomach or bowel disorder	1
	Total	10
Property & Facilities (Shared Services)	Stomach or bowel disorder	1
	Total	1
Regeneration & Investment	Common cold	1
	Flu	1
	Total	2
Strategic Policy	Other disorder	1
	Total	1
Waste Services	Asthma	1
	Back or spinal problem	4
	Chest infection	3
	Chest Pain	1
	Flu	1
	Kidney bladder or urinary disorder	1
	Musculoskeletal problem (not back)	4
	Other disorder	5
	Stomach or bowel disorder	6
	Unspecified	1
	Total	27

Long Term Absence Reasons	
Reason	Number
Back or spinal problem	4
Chest pains	1
Depression	2
Eye Disorder	1
Musculoskeletal problem (not back)	5
Nose mouth or throat disorder	1
Operation & Recovery	4
Other Disorder	4
Pregnancy related	1
Stress	2
Total	25

Musculoskeletal Breakdown	
Reason	Number
Arthritis	1
Head /neck fracture	1
Hip problem	1
Knee pain	1
Shoulder	1
Total	5

Other Disorder Breakdown	
Reason	Number
Bipolar disorder	1
Finger injury	1
Renal impairment	1
Toe infection	1
Total	4

Long Term Absence Reasons by Department		
Department	Reason	Number
Customer Services Hub	Back or spinal problem	2
	Depression	1
	Other disorder	1
	Total	4
Housing & Environmental Health	Musculoskeletal problem	2
	Operation & recovery	2
	Total	4
Finance	Operation & recovery	1
	Total	1
Legal	Eye Disorder	1
	Total	1
Planning Revenue & Benefits	Musculoskeletal problem (not back)	1
	Nose mouth or throat disorder	1
	Other disorder	1
	Pregnancy related	1
	Stress	1
	Total	5
Waste Services	Back or spinal problem	2
	Chest pains	1
	Depression	1
	Musculoskeletal problem	1
	Operation & recovery	1
	Other disorder	2
	Stress	2
	Total	10

Agenda Item No: 9 **Report No:** 113/16
Report Title: Accidents to staff from April 2016 to July 2016
Report To: Employment Committee **Date:** 12 September 2016
Cabinet Member:
Ward(s) Affected: Employees and workers
Report By: Jill Yeates
Contact Officer(s)- Jill Yeates
Name(s): Jill Yeates
Post Title(s): Health and Safety Officer
E-mail(s): jill.yeates@lewes.gov.uk
Tel No(s): 01273 7106276

Purpose of Report:

To report the statistics on accidents reported between 1 April 2016 and 31 July 2016.

Officer's Recommendation:

- 1 To note the report.
-

Reasons for Recommendations

- 1 This regular report to Employment Committee provides accident and near miss information necessary to fulfil items 2.4 (c), and 2.5 (g) and (k) of the Lewes District Council Constitution Section 5 Remit of the Employment Committee.
- 2 **Information**
 - 2.1 The statistics are presented as previously requested – with numbers and percentages, comparisons with the previous year (same period). Insurance has been included as requested.
 - 2.2 Whenever an accident or incident is recorded, the individual will have reported it to a supervisor or manager, who will then have discussed the accident or incident with them and completed the second side of the form which looks at the underlying causes, and reports on actions taken. This then comes to the Health and Safety Officer who will follow up any action and ask for updated documents where relevant.

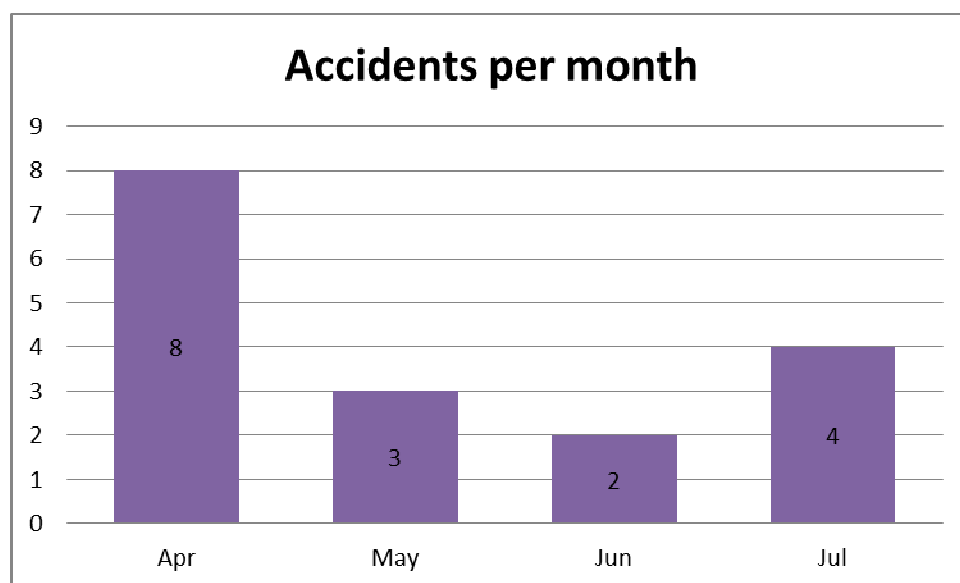
- 2.3** There have been a couple of more-serious accidents since April, both in Waste and Recycling. The first was when new bins were being unloaded from the delivery van and fell off and onto two of our staff. One was knocked over and bruised, but ok; the other was knocked over and the bins landed on him. Although nothing was broken, he was signed off and took some time to recover. We were lucky as this accident could have had more serious consequences (there have been some similar accidents in the UK health and safety news). A full accident investigation was carried out by the team leader, guided by the Health and Safety Officer, and measures put in place to ensure that this doesn't happen again. The area is to be fenced off when the deliveries are being made; the delivery driver is to ensure that they are stable and on the ground before our staff go near them; the whole area has been cleared up, and the recognised uneven ground is to be avoided for deliveries. A new risk assessment and safe system of work have been written in conjunction with those who receive the deliveries, and the company who do the delivering, and this has been discussed with all staff who may be involved in the deliveries. It has also prompted a review of the storage of the bins, and the subsequent collection process when purchased.
- 2.4** The second accident happened when one of our electric vehicles (ev) used for recycling was being reversed down a narrow road. The banksman was distracted by a dog, and the driver continued reversing (very slowly) until there was a shout from the banksman that he had been hit by the ev. There was some bruising and again, the banksman was signed off for more than 6 days. The driver was taken off driving and given extra training – he had probably been looking in the mirror on the other side of the ev, and the banksman was given retraining in reversing procedures. Again, we were lucky as this could have had more serious consequences. The risk assessment, safe system of work and training were reviewed, but it was agreed that no changes needed to be made.
- 2.5** We have also had some more cuts – a broken plate in a black bin bag cut through the bag and the glove and into the hand of the person collecting the household rubbish, and a recycler sorting out glass had a shard fly up into his eye. The relevant householder has been written to with regard to the broken plate, and the glass recycling process (which on paper doesn't allow shards of glass to fly around) was reviewed with the individual.
- 2.6** The August meeting of the Joint Health and Safety Forum were concerned about various aspects of worker safety and the reporting and reviewing processes. We have therefore set up a working group to review the processes of reporting accidents, near misses and other incidents, verbal abuse and violence towards staff. It seems sensible to bring the different processes together in one, make it easy for workers to report any incidents and to have a clearer investigation process which can be used as far as is appropriate in each case. Although the Near Miss campaign worked at first, it hasn't been effective in the longer term, which may be because of the process of reporting, amongst other dissuading factors. We will seek a more consistent and effective

procedure for reporting and analysing all incidents, and improving working conditions to reduce the risks.

Accident Statistics - Staff

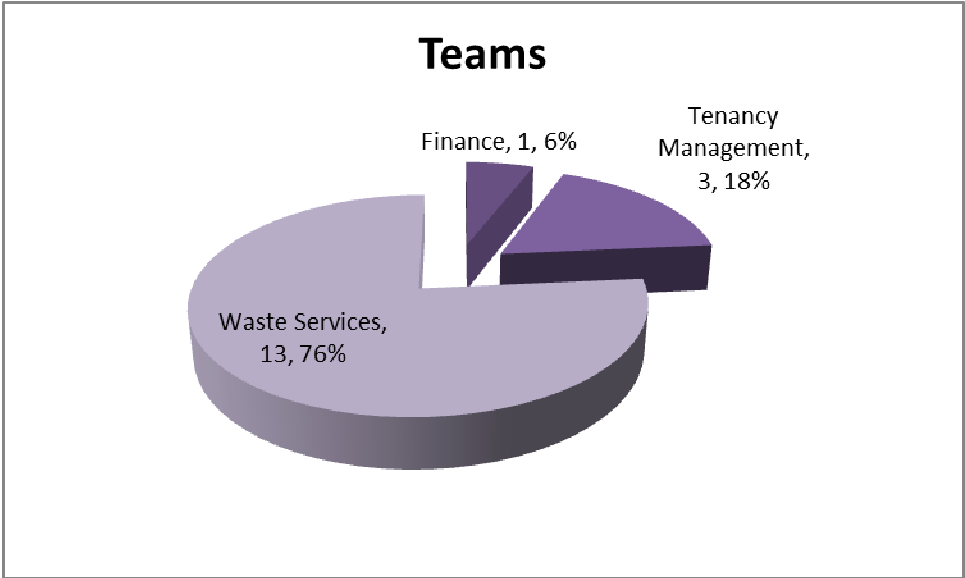
Monthly accidents

From 1 April to 31 July there were 17 accidents reported: 8 in April and 3, 2 and 4 in subsequent months. Last year there were 21 in total during this period: 5 in April, 1 in May, 10 in June and 5 in July.



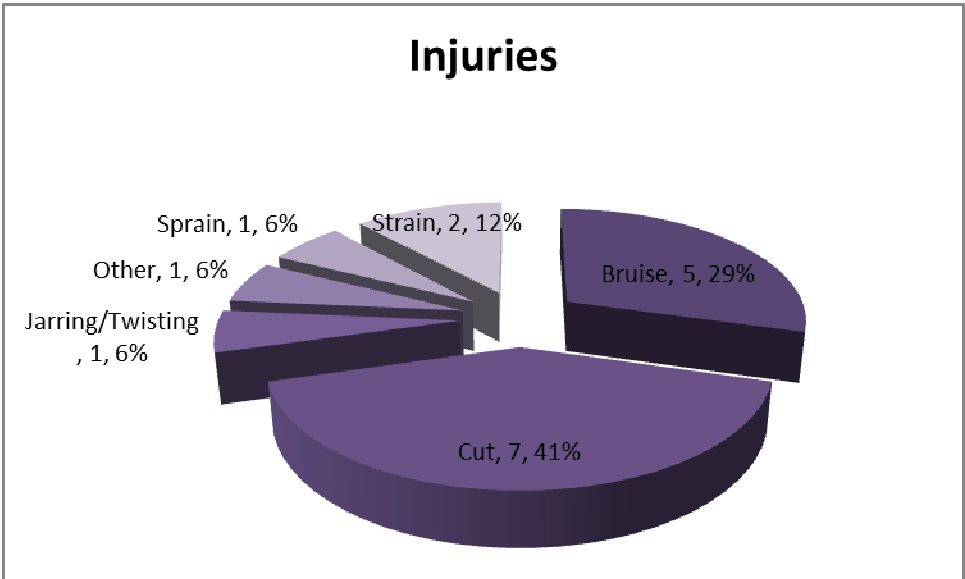
Which teams

Between April and July 2016, there were 13 accidents in Waste Services, 3 in Tenancy Management and 1 in Finance. Last year there were 17 accidents in Waste Services, 2 in Building Maintenance and one each in contracts and facilities and property services.



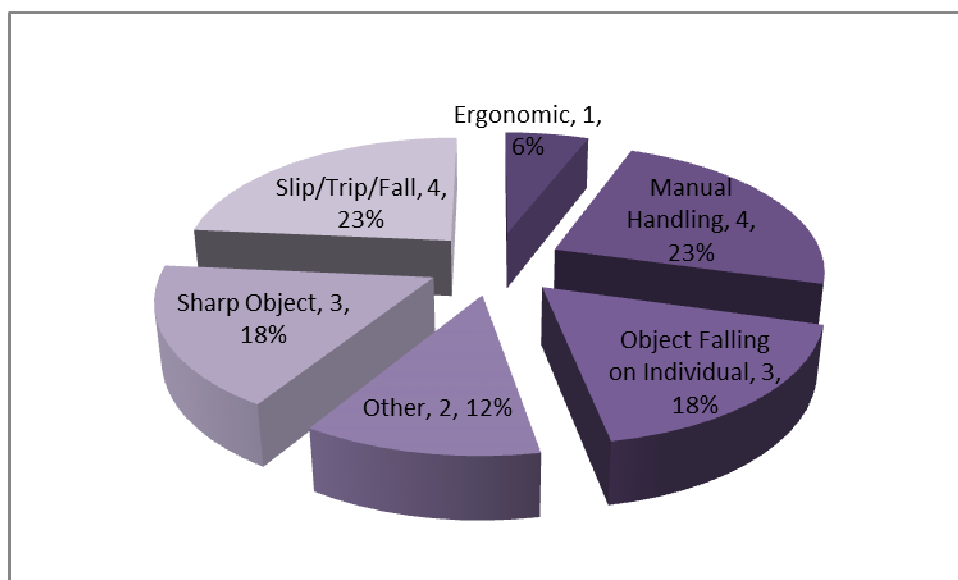
Injuries

Bruising and cuts make up the largest numbers of injuries – 12 (71%) out of the 17 accidents. Last year there were 7 bruises, 4 cuts, (52%) 3 jarring, a strain, a sprain, a foreign object, a torn muscle, a pulled hernia and two other.



Causes of injury

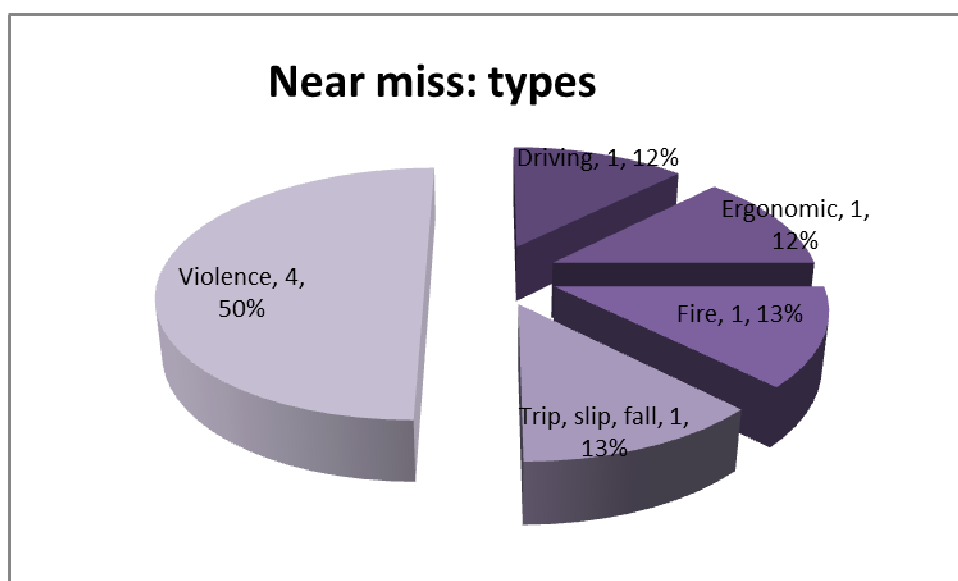
Causes were balanced amongst the 17 accidents with slips, trips and falls, and manual handling, having the most – but not by large margins. Last year, 12 were ergonomic or manual handling, 3 slips, trips and falls, 3 sharp objects, 2 objects falling from height and one individual falling from height.



Near misses

There were 8 Near Misses reported from April to the end of July. All were to our employees, 6 in Waste, 1 in Housing and EH Admin and 1 in the Hub.

4 were violence threats or verbal abuse, the other 4 were one each of driving, ergonomic, fire and trip. They happened all around the district including Saxon House and Southover House and the depot.



Road Traffic Accidents

There were 3 road traffic accidents reported from April to the end of July. All were our employees, one in their own vehicle and two in council vehicles. One council vehicle involved two of our staff who both suffered injury but not serious injury, thanks to the quick evasion action of our driver, who has been praised by the Police for his reaction. There were no patterns, and none were the fault of our staff.

RIDDOR Reports

There were 2 accidents reported to the HSE under RIDDOR; both were due to absence of 7 days or more, and they are the accidents described in 2.3 and 2.4 above.

3 Financial Appraisal

Insurance

The Council is insured 'for accidents' although much depends on who's having the accident and whether the Council are negligent. Employer's Liability (EL) insurance covers the Council's liability to its employees arising from negligent acts and omissions. Public Liability insurance covers the same in respect of third parties.

We also have a Personal Accident (PA) policy. This is benefit rather than an indemnity policy and no liability need be demonstrated. So if, for example, a worker cut his fingers off in a bizarre accident involving power tools then he or she would be entitled to claim on the PA policy even if an EL claim failed or was not pursued at all. From April to July 2016 we have had no staff claims on either EL or PA. However, please note that if there were going to be a claim for an accident during this period, it would probably come in at a later date.

4 Legal Implications

The Legal Services Department does not need to comment specifically on the accident statistics as it is a progress report.

5 Sustainability Implications

I have not completed the Sustainability Implications Questionnaire as this Report is exempt from the requirement because it is a progress report.

6 Risk Management Implications

I have not completed the Risk Management Implications Questionnaire as this Report is exempt from the requirement because it is a progress report.

7 Equality Screening

I have not completed the Equality Questionnaire as this Report is exempt from the requirement because it is a progress report.

8 Background Papers

There are no background papers.

9 Appendices

There are no appendices.